



NSW Site Auditor Meeting – 25 October 2024

Meeting:	NSW Accredited Site Auditor Scheme – Auditors’ Meeting	Date:	25 October 2025
Location:	Online	Time:	9.45am-12.15pm
Last Meeting:	22 March 2024	Next Meeting:	March / April 2025
Present:	<p>Auditors – Charlie Barber, Peter Beck, Tim Chambers, Jason Clay, James Davis, Chris Duesterberg, Michael Dunbavan, Brad Eismen, Julie Evans, David Gregory, Ian Gregson, Cheryl Halim, Adrian Hall, Rebeka Hall, Jonathan Ho, Chris Jewell, Andrew Kohlrusch, Andrew Lau, Peter Lavelle, Kylie Lloyd, Brad May, Alyson Macdonald, Kevin Masterton, Ross McFarland, Colin McKay, Graeme Miller, Frank Mohen, Paul Moritz, Philip Mulvey, Loek Munnichs, Mike Nash, Tom Onus, Melissa Porter, Fiona Robinson, Tony Scott, Andre Smit, Paul Steinwede, Mark Stuckey, Ian Swane, Caroline Vernon, Ben Wackett, Louise Walkden, Andrei Woinarski, Edward Wu</p> <p>Auditor Apologies – Lange Jorstad, Amanda Lee, Peter Ramsay, David Gregory, Rod Harwood, Stephan Pawelczyk, Marc Salmon</p> <p>Proxies – Clair Aggett (Lange Jorstad), Serena Thomas (Amanda Lee), Mark Van Schoten (Peter Ramsay)</p> <p>NSW EPA – Kathy Giunta, Anthea White, Jo Graham, Sam Waskett, Brenda Ioffrida, James Green, Rose Cocks, Lesley Corkill, Melissa Bell, Nathan Hale, Sara Arthur, Chris Burton, Matt Molala, Alison McVey, Dan Brew</p> <p>Auditor panel – Fouad Abo, Damien Davidson, Louise Cartwright</p> <p>Auditor panel apologies – Carolyn Brumley, Karen Marler</p>		

Agenda items:

1. Acknowledgment of Country and meeting objectives – Kathy Giunta, NSW EPA

- Kathy introduced herself as the acting Director of the Regulatory Practice and Services, Technical - Chemicals, Land and Radiation directorate, covering for Karen Marler for a few months.
- Kathy then provided the Acknowledgment of Country and opened the meeting.

2. Audit Unit Update – Jo Graham, NSW EPA

Refer to presentation attached. The following items were discussed:

- Audit statistics and survey feedback
- Proposed national harmonisation of the site auditor accreditation process
- EPA expectations on Site Audit Reports (SARs)
- Office visits
- Continuous Professional Development
- Administration reminders

See presentation for details on the above

Questions / comments from auditors	Response
Is there any indication at this stage about how frequently a National Accreditation / appointment process would occur?	Proposed frequency once every three years.
Auditors also include "expert" opinions along with their own opinions. This would normally be in an area where the auditor is less of an expert and is relying on the expert support. This is different to an assistant writing an opinion, but important to clarify.	Noted.
Does the EPA only need to be informed when an auditor prematurely ceases a statutory audit?	Yes. Annual returns will document the non-statutory audits that have been terminated.
On the issue of auditor's opinions, the Queensland Auditor Handbook for Contaminated Land (Module 6) (https://www.des.qld.gov.au/policies?a=272936:policy_registry/cl-ql-auditor-handbook-module-6.pdf) says: <i>"The audit report must clearly identify which matters considered in the certification were based on another's expert opinion rather than the auditor's and identify who provided the opinion. Nevertheless, whether expressing their opinion or the opinion of a member of their expert team, the auditor must take responsibility for the validity of the opinion and take all necessary steps to verify the evidence on which the opinion is based."</i>	Noted.
Do you have any guidance on how long no activity on a site requires termination?	Not specifically, but we have noted on some annual returns there are audits where there has been no activity for many years. If the audit is still active there is no need to terminate as we are aware some audits take many years to complete. However, we are looking for auditors to terminate where there hasn't been any audit activity for some time.
For terminations, is it just the EPA and the relevant consent authority that need to be notified?	Yes. (Section 3.8.4 of the Guidelines for the NSW Auditor Scheme covers this.)

3. IChEMS Update – Sara Arthur, NSW EPA

Refer to presentation attached. The following items were discussed:

- IChEMS became law on 25 March 2024.

- The Environmentally Hazardous Chemicals Act 1985 has been repealed and existing Chemical Control Orders (CCOs) have been rolled into the Protection of the Environment Operations Act 1997 (POEO Act)
- Under the POEO Act there is a new scheduled activity called “Environmentally hazardous chemical”
- The EPA will be able issue ‘Chemical Use Notices’
- The EPA will advise stakeholders if a Chemical Use Notice is issued by both the NSW Gazette and direct note to relevant licence holders. An online portal is to be developed.
- The EPA can still make new CCOs and amend old ones.
- IChEMS has an online register: <https://www.dcceew.gov.au/environment/protection/chemicals-management/national-standard/ichems-online-register>

Questions / comments from auditors	Response
Will considering IChEMS be part of the audit scheme and guidelines?	The main interface auditors will have with IChEMS is via CCOs.
Weren't the existing CCOs under review some time back?	<p>The review was held over until the IChEMS change was made.</p> <p>The EPA is now reviewing the current CCOs, and that work is ongoing. There is no final date for the completion of the project yet as it has only recently commenced.</p>
Will remediation of an IChEMS chemical be captured by the new POEO requirements?	<p>Yes, it will be. There is a relationship between IChEMS, POEO Act and the <i>Contaminated Land Management Act 1997</i> (CLM Act).</p> <p>Further clarification added post meeting: if a site is being remediated by excavation, validation, and offsite disposal, then there are waste thresholds in the IChEMS register for the scheduled chemicals.</p>
<p>Does IChEMS relate to specific compounds only, or can it also look at mixtures?</p> <p>This is a useful starting point for data to be used in site-specific risk assessments.</p>	<p>Yes, there are mixtures or groups of compounds that are scheduled together. If you look at PFOA, IChEMS states “PFOA and its salts.”</p> <p>Another example is that all PCBs are captured – these are due for scheduling before the end of the year.</p> <p>There are concentration thresholds in the IChEMS register for the scheduled chemicals. If the threshold is greater, then it is captured.</p>
I have recently looked into the CCO for Organotin compounds. TBT as contamination in soil does not appear to meet the definition of an industrial chemical. But the new Scheduled Activity refers to regulation of the chemical which can occur in some cases, especially PCBs. I would appreciate clarity on "use" of a chemical. This is a blurred area.	<p>Taken on notice on the day.</p> <p>EPA response:</p> <p>The definition of “use” for industrial chemicals in the POEO Act is the same as that in the <i>Industrial Chemicals Act, 2019</i> (Commonwealth). This is reproduced below.</p>

	<p>Definition of “use” from the <i>Industrial Chemicals Act, 2019 (Commonwealth)</i>.</p> <p>“use”, for an industrial chemical, includes any of the following activities involving the industrial chemical:</p> <ul style="list-style-type: none"> (a) processing; (b) formulating; (c) storing; (d) transporting; (e) filling into containers; (f) transferring from a container to another container; (g) handling; (h) mixing; (i) sampling and testing; (j) producing an article; (k) releasing into the environment (with or without prior treatment); (l) activities relating to an end use for the industrial chemical; (m) any other activity prescribed by the rules for the purposes of this paragraph; <ul style="list-style-type: none"> • but does not include an activity prescribed by the rules for the purposes of this definition. <p>CCOs do not necessarily relate to IChEMS scheduled chemicals. Under Section 296I of the POEO Act, the EPA can make CCOs for any chemical.</p>
<p>With PFOS (and other PFAS) being classified as a Schedule 7 chemical, will a CCO for PFAS now be issued?</p>	<p>IChEMS does not place a requirement for a CCO. There are no current plans for a PFAS CCO, so you will need to follow IChEMS.</p>
<p>I notice the threshold levels for PFOA are very low and there is specific reference to fire-fighting situations.</p>	<p>Noted.</p>

4. Waste Update – Chris Burton / Dan Brew, NSW EPA

NSW Solid Waste Landfill Guidelines Review (Chris Burton)

Refer to presentation attached. The following items were discussed:

- The key objectives of the review were around improving the quality of Construction Quality Assurance Plans for landfill cells to ensure they are compliant and consistent with existing guidelines, as well as address some of the emerging issues.
- A draft proposal was prepared, which was previously communicated to site auditors, however this has been reviewed and adjustments made. Changes include:
 - Previous proposal was to involve auditors in the ‘sign off’ on the construction of major new landfills. However, the EPA has now landed on a different position.

- New proposal is to have Design & Construction and quality assurance reports to be signed off by an independent engineer. This could still be an auditor if they had the right qualifications. The 'sign off' will likely be similar in nature to a site audit statement.
- Looking to include guidance around placing residential development near to a landfill. Currently have guidance on building new landfills near to existing residential but growing trend of residential now being proposed near operating and closed landfills. Looking at including guidance that where there is a development application for residential near a landfill, a site auditor should be engaged to consider suitability.
- Additional guidance on landfill fires prevention following increases in landfill fires because of lithium batteries
- The EPA will be able to consult with stakeholders (including auditors) on the proposed changes in 3-4 months.

Questions / comments from auditors	Response
What QA processes does the EPA have in place to ensure that auditors have the necessary expertise to review and sign off on design of a landfill? I don't recall it as a necessary area of competence for accreditation?	The EPA are proposing to require qualified engineers to do the work, not site auditors.
Capping should consider the age of legacy (former) landfills - a minimum standard may not be sustainable or warranted.	The EPA needs to set a baseline.
EPA Victoria has had similar arrangements in place for decades, but in the context of a separate category of Environmental Auditor (e.g. Industrial Facilities)	Noted. The EPA has considered the Victorian scheme.
The EPA should consider the proposed review requirements to ensure it is clear it doesn't trigger a statutory audit under the <i>Contaminated Land Management Act 1997</i> as these can only be done by a site auditor.	<p>Noted.</p> <p>The proposal is to have landfill Design & Construction and quality assurance reports signed off by qualified engineers, not contamination matters.</p> <p>Further clarification added post meeting: The engineer sign-off relates to the design and construction process – e.g. certification that the thickness, type and specifications of liner and capping materials as well as the QA/QC process to be used during the construction to meet the minimum requirements outlined in the landfill guidelines.</p> <p>Consultation on the proposal will take place. The EPA will consider all comments.</p>
Draft proposal to use "independent and appropriately qualified engineer" created uncertainty in the past as it was not clear who decides if a person is "independent and suitably qualified" and this, in part, led to the auditor scheme - seems better to expand existing auditor scheme to undertake this important work. I'd suggest such landfill auditors could be part of the existing scheme but would need to be verified by the EPA to hold appropriate skills.	<p>The EPA will carefully define what an independent and qualified engineer is. The definition will include the qualification requirements.</p> <p>Independence will also be checked, in a comparable way that auditors provide statements around conflicts of interest on a site audit statement.</p>
Auditor expert support teams already include a geotechnical expert, so it would be easy to	Noted.

expand the current auditor scheme to include this type of work.	
Will the revised landfill guidelines provide guidance on closed landfills? Separation distance guidelines from other jurisdictions only relate to operational landfills - will EPA provide guidance for closed landfills? Victorian guidelines for buffer distances also apply to closed landfills.	The updated guidelines will not specifically apply to closed landfills but will include guidance on buffer distances to closed landfills when considering development of new residential near to operational and closed landfills.
How many applications per annum will require an independent review in NSW?	30-50 applications per year are currently received, ranging from new landfills, landfill cells and capping and closure of cells/landfills which will need to be signed off by an engineer prior to being sent to the EPA.
Would be good to have some focus on interface between POEO Act & guidelines, CLM Act and planning process in closure process.	The EPA is looking at this. Not currently included in the legislation, but we are looking at linking these together.
I have seen State Significant Development conditions requiring the auditor to certify a containment cell design in accordance with the landfill guidelines	Noted.

Update to the Addendum to the Waste Classification Guidelines – PFAS (Dan Brew)

Refer to presentation attached. The following items were discussed:

- The Addendum to the Waste Classification Guidelines was issued in October 2016 when there was no national guidance available on the issue of PFAS in waste (<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/wasteregulation/addendum-1-to-the-waste-classification-guidelines.pdf>)
- Since then, two versions of the PFAS National Environment Management Plan (PFAS NEMP) have been published with a third update coming soon.
- The NSW EPA is seeking harmonisation with other jurisdictions.
- The EPA plans to hold off amending the Addendum until the new PFAS NEMP 3.0 is released so our approach aligns with this.

Questions / comments from auditors	Response
Australian Standard Leaching Procedure (ASLP) replacing toxicity characteristics leaching procedure (TCLP) for PFAS acceptance at landfill. Will TCLP remain in place in the rest of the waste classification guidelines? If so, won't this lead to confusion and people getting it wrong?	At this stage, yes. ASLP will be needed for PFAS classification. The EPA will seek to make this clear.
Where did the leachate criteria come from?	NEMP 2.0. We will consider any changes to NEMP 3.0 should there be any.
If General Solid Waste and Restricted Solid Waste landfills have operating leachate collection systems, what is the rationale behind the lowering of the leachable concentrations?	The EPA is following what it says in the PFAS NEMP and best practice. The concentrations included in the Addendum were originally based on a US EPA method. The

	<p>PFAS NEMP is based on drinking water guidelines.</p> <p>There might be some changes to the PFAS NEMP 3.0 following the recent draft changes to the Australian Drinking Water Guidelines for PFAS, so the EPA is holding off on issuing changes to the Addendum to ensure no additional changes are made to leachate concentrations proposed in the NEMP.</p>
As soon as you analyse waste for PFAS (even if it is not there) you cannot use that waste for recycling as there is no CT1 level for PFAS.	<p>EPA clarification post meeting:</p> <p>The Environment Protection Licence ('EPL') for a resource recovery facility or waste processing facility outlines what the facility can receive lawfully, and the activity to which the facility may undertake for that waste. If PFAS waste is not listed on the EPL, and the EPL does not refer to SCC1, then the facility cannot lawfully receive PFAS waste above the laboratory limit of reporting of 5 µg/kg for PFOA, and PFOS + PFHxS.</p>
Is the EPA considering a value as per EPA Victoria for low level PFAS in recycled materials?	<p>Taken on notice on the day.</p> <p>EPA response:</p> <p>There is currently a 5 mg/kg recyclable limit for PFOA and a 5 mg/kg limit for PFOS+PFHxS – these were derived back in 2018 and are based on laboratory analytical capability at that time. The PFAS NEMP 3.0 will provide the groundwork towards developing an exposure-based threshold for the recycling of organic and inorganic materials that contain PFAS. Once the PFAS NEMP 3.0 is published, the EPA intends to review its current 2018 threshold.</p>
When is PFAS NEMP 3.0 coming out?	December 2024 is the proposed date.

5. Collaborative Planning at the EPA – Regulating Contaminated Land – Melissa Bell, NSW EPA

Refer to presentation attached. The following items were discussed:

- In 2023, using a collaborative approach, the EPA identified risks, mapped actions and developed outcomes for the 12 broad themes that the EPA regulates. This includes contaminated land.
- Each theme has a road map, informed by stakeholder views, a program logic and risk assessment,
- This approach fits in with the EPA's strategic priorities, particularly "care for country (land, air, water & community)".
- The ultimate outcome of the program logic for contaminated land is to ensure people and the environment are protected from contaminated land.
- The EPA will be reviewing the regulatory framework to improve several legislative matters.
- The EPA have road tested the program logic with internal stakeholders and are currently doing the same with external stakeholders.

Should auditors have any comments or suggestions in relation to future EPA actions or risks in relation to contaminated land, they are encouraged to send these to Melissa Bell at: regulatory.practice@epa.nsw.gov.au

Questions / comments from auditors	Response
<p>Something you could look into in the future is the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. This was signed by Australia but never ratified. This convention will include making all data available to the wider public.</p> <p>https://treaties.un.org/Pages/ViewDetails.aspx?sr c=IND&mtdsq_no=XXVII-13&chapter=27</p>	<p>Noted.</p>

6. Contaminated Land Strategy & Policy Update – Lesley Corkhill, NSW EPA

Refer to presentation attached. The following items were discussed:

- Review of the Underground Petroleum Storage Systems (UPSS) Regulation 2019
 - The review is required to prevent the statutory staged repeal. The UPSS Regulation was due for repeal in September this year, but an extension has been granted until September 2025.
 - The review is to make sure the Regulation is still fit for purpose.
 - Targeted consultation has occurred. This continues. The consultation is focussed on looking at previous issues and new issues raised.
 - Site auditors will be consulted in the next couple of months.
The Regulatory Impact Statement is due to be released in March 2025. However, comments on the review are welcome any time.

- Office of the Chief Scientist and Engineer (OCSE) asbestos management review (<https://www.chiefscientist.nsw.gov.au/independent-reports/asbestos-management>)
 - The discussion paper was released mid-year (<https://www.chiefscientist.nsw.gov.au/independent-reports/asbestos-management/discussion-paper>).
 - The final report for the Minister is proposed to be issued by OCSE at the end of November this year.
 - The EPA will review the findings to consider any changes to the EPA regulatory approach.
 - The NSW Asbestos Coordination Committee (NACC) will also consider the outcomes.

- Managing asbestos in and on land - updated website (<https://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/managing-asbestos-in-and-on-land>)
 - Extensive consultation took place on the previously issued Position Statement: WA guidelines for asbestos contaminated sites and subsequent proposed update. We heard the concerns from industry and have made changes. The previous Position Statement and proposed update have now been archived.
 - The updated web page provides general information and provides the EPA's current view.

- The EPA are now exploring any possible changes to the regulatory framework to reflect the view on the website.
 - The EPA considers that the remediation of asbestos-contaminated soils carried out in accordance with Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021, including remediation required or approved under the CLM Act, would not constitute land pollution or the re-use or recycling of asbestos waste. We have not made a distinction between category 1 and category 2 remediation works in our wording on the website.
 - This position is not reflected in the law but should provide some confidence to industry to undertake remediation works while the EPA continues to consider the clarifying the regulatory framework.
 - Further changes may occur depending on the findings of the OSCE asbestos management review.
- Environmental Management Plan (EMP) transparency and accountability
 - The EPA are aware that there are ongoing concerns around transparency and management responsibility of EMP's where ongoing management is required. A survey was undertaken at a previous auditor meeting to gauge auditor's views on the best way of addressing the issue.
 - The survey suggested that most auditors thought an online register of EMPs would be a good idea.
 - The survey also suggested that many auditors (68%) would have an interest in expanding the role of an auditor to include EMP compliance.
 - We plan to update the EPA's practice note Preparing environmental management plans for contaminated land (<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/22p3473-emps-for-contaminated-land-practice-note.pdf>) some time in 2025 to include any additional options for legal enforceability where possible.
 - Managing Land Contamination – Planning Guidelines update
 - The Department of Planning, Housing, and Infrastructure (DPHI) are leading the review on the Managing Land Contamination – Planning Guidelines. There is a dedicated officer at DPHI working on this.
 - There are no current timelines on when this might be completed, but the EPA has provided detailed comments on a draft update to the guidelines.

Questions / comments from auditors	Response
Can we please get unequivocal clarification that Category 2 remediation is not prescribed land pollution.	<p>The EPA's view on this matter is provided on the website at https://www.epa.nsw.gov.au/your-environment/contaminated-land/other-contamination-issues/managing-asbestos-in-and-on-land.</p> <p>There is no differentiation between category 1 or category 2 remediation works in the information provided on the web page.</p> <p>The EPA's view is not reflected in the law. We are exploring clarifying the regulatory framework.</p>
Has any EMP enforcement mechanism been tested in court?	Not that we are aware of, but not across every piece of case law.
Any news on the Groundwater Guidelines? I believe these were being updated?	The EPA hopes to begin the update of the Groundwater Guidelines soon with consultation with auditors proposed as part of this.

	We hope to be able to provide more information at the next auditor meeting.
What guidance does the EPA give Councils regarding how the existence of a Site Audit Statement (and potentially EMP) should be noted on section 10.7 certificates? E.g. recommended wording.	<p>The EPA funded the Council Regional Capacity Building Program which developed several 'model' templates for Councils to use for contaminated land management. These can be accessed here:</p> <p>https://lgnsw.org.au/Public/Public/Policy/Contaminated-Land/Contaminated-Land-Policies-for-Councils.aspx</p> <p>Page 16 of https://www.hunterjo.com.au/wp-content/uploads/2022/05/model-regional-contaminated-land-policy_07012020.pdf provides examples of wording that can be used for notations on section 10.7 certificates.</p> <p>The EPA continues to support local government contaminated land capacity building by funding the LGNSW Contaminated Land Network for councils - an online forum to support informed decision-making by those involved in contaminated land management.</p> <p>The EPA also reviewed information about contamination found on a selected range of planning certificates and surveyed councils about their processes. A report was published on this which included 13 recommendations for improving how contaminated land information is provided by councils. The report is available here:</p> <p>https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/22p3809-contaminated-land-planning-certificate-review.pdf</p>
Given the broad auditor support for an online EMP register, what are the next steps?	The regulatory framework around this issue is uncertain, but the EPA will be exploring what can be done around a possible EMP register.

7. Other Business - Jo Graham, NSW EPA

- A survey will be emailed to auditors after the meeting seeking feedback and suggestions for topics on future auditor meetings. Auditors are strongly encouraged to complete this. Slido surveys at the end of meetings will still be used from time to time.
- An auditor asked if there will be an auditor application process next year? The EPA advised that this is dependent on if the national accreditation process is endorsed. If endorsed, there will potentially be a national accreditation round in 2025. If that does not happen, the NSW EPA will consider running a NSW specific one.
- The EPA requested volunteers from auditors to present at future auditor meetings. Some suggested topics proposed within previous surveys include having an auditor present on "lessons learned" or "tricky audits." The EPA is open to auditors collaborating on presentations.
- A discussion took place about whether consultant reports should be attached as appendixes to the SAR. One auditor stated they always attach reports as they consider this is a way of contributing to a transparent process and provides a way of making reports available for persons to access into the future. The EPA position is that we prefer that a list of reports reviewed along with a summary of the findings. Inclusion of reports can make SAR files very large which can be

difficult to store or upload. If auditors have strong views on attaching reports to SARs (or otherwise) they are encouraged to contact us to discuss further.

The next meeting is scheduled for March/April 2025 (TBC) (in person)